



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/801,500         | 03/15/2004             | Keith Antonio Dixon   | 7739/77137             |

22242  
 FITCH EVEN TABIN AND FLANNERY  
 120 SOUTH LA SALLE STREET  
 SUITE 1600  
 CHICAGO, IL 60603-3406



CONFIRMATION NO. 1831

## FORMALITIES LETTER



\*OC000000015071231\*

Date Mailed: 01/31/2005

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

03/18/2005 MWOLDGE1 00000041 061135 10801500

01 FC:1001 790.00 DA

## Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 12/20/2004 to the Notice to File Missing Parts (Notice) mailed 10/22/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$790** for a Large Entity

- **\$790** Statutory basic filing fee.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 3

3

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

JES/BKM

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/801,500         | 03/15/2004             | Keith Antonio Dixon   | 1410-77137             |

22242

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

DOCKETED

NOV 04 2004

BY: [Signature]

CONFIRMATION NO. 1831

FORMALITIES LETTER



\*0000000014168143\*

Due 12/22/04

Date Mailed: 10/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 13, and 15-17.

The following item(s) appear to have been omitted from the application:

- Page(s) 1 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$36 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$956** for a Large Entity

- **\$790** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$36**
  - **\$36** for 2 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln No.: 10/801,500

Filed: March 15, 2004

Applicants: Keith A. DIXON et al.

Title: CONTAINER WITH SLIDING LID

Art Unit: 1761

Examiner: Not yet assigned

Attorney Docket: 1410/77137

Customer No.: 22242

**Confirmation No. 1831**

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

3/15/2005  
Date

Jon A. Birmingham  
Registration No. 51,222  
Attorney for Applicant(s)

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) dated January 31, 2005,

- ☒ A copy of the Notice of Incomplete Reply (Nonprovisional) is enclosed.
- ☒ A copy of the Notice to File Missing Parts of Nonprovisional Application is enclosed.
- ☒ A Petition for Extension of Time for reply within the third month is attached.
- ☒ An executed Declaration for Patent Application, including Power of Attorney, is enclosed.
- ☐ \_\_\_ sheet(s) of drawings are enclosed. ☐ Formal ☐ Informal
- ☐ An Assignment of the invention to \_\_\_, and Recordation Form Cover Sheet - Patents Only - Form PTO-1595, are enclosed.

Application No. 10/801,500  
Response dated March 15, 2005  
Notice of Incomplete Reply (Nonprovisional) dated January 31, 2005

☐ The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment.

☒ The fees are calculated below:

|  |           |   |           |   |           |              |           |
|--|-----------|---|-----------|---|-----------|--------------|-----------|
| <input checked="" type="checkbox"/> Basic Filing Fee - Utility |           |   |           |   | \$ 790.00 | \$ 790.00    |           |
| Independent Claims   | <u>2</u>  | - | <u>3</u>  | = | <u>0</u>  | x \$ 88.00 = | \$ 0.00   |
| Total Claims   | <u>22</u> | - | <u>20</u> | = | <u>2</u>  | x \$ 50.00 = | \$ 100.00 |
| Fee for Multiple Dependent Claims                              |           |   |           |   | \$ 300.00 |              |           |
| Surcharge Fee  |           |   |           |   | \$ 130.00 | \$ 130.00    |           |
| Total Fees   |           |   |           |   |           | \$ 1,020.00  |           |

*paid*

*paid*

☐ Applicant(s) assert entitlement to Small Entity Status (37 C.F.R. § 1.27), reducing the Total Fees by half to: \_\_\_\_\_

☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

☒ Charge \$ 1,020.00 to Deposit Account No. 06-1135.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in duplicate.

March 15, 2005

Date

  
Jon A. Birmingham

Registration No. 51,222

FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007